

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

TIMOTHY LAMAR REDDICK,	:	
	:	
Petitioner,	:	
	:	CASE NO.: 1:14-CV-85 (WLS)
v.	:	
	:	
BRIAN OWENS, Commissioner,	:	
	:	
Respondent.	:	
	:	

ORDER

Presently pending before the Court is a Recommendation from United States Magistrate Judge Thomas Q. Langstaff filed December 22, 2014. (Doc. 16.) Therein, Judge Langstaff recommends granting Petitioner's Motion to Dismiss Without Prejudice and denying as moot Respondent's Motion to Dismiss as Untimely. (*See id.*; *see also* Docs. 7 & 13.) Judge Langstaff's Recommendation provided the Parties fourteen days to file objections. (Doc. 16 at 2.) Objections were due by January 5, 2015, and none were filed. (*See generally* Docket.)

Judge Langstaff found that dismissal under Federal Rule of Civil Procedure 41(a)(2) was appropriate. (Doc. 16 at 2.) The Court echoes Judge Langstaff's reminder that 28 U.S.C. § 2244(d) establishes a one-year statute of limitations for habeas petitions challenging state court judgments. Other procedural limitations may apply. *See* 28 U.S.C. §§ 2244, 2254.

Upon full review and consideration of the record, the Court finds that Judge Langstaff's Recommendation (Doc. 16) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein, together with the reasons stated and conclusions reached herein. Accordingly, Petitioner's Motion to Dismiss Without Prejudice (Doc. 13) is **GRANTED** and Respondent's Motion to Dismiss as Untimely is **DENIED AS MOOT**. The referenced Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED**.

Under Rule 11(a) of the Rules Governing Section 2254 and 2255 Cases, “[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” And “when the district court denies a habeas petition on procedural grounds without reaching the prisoner's underlying constitutional claim, a COA should issue . . . if the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right, and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 478 (2000). The Court finds that no reasonable jurist would find the Court’s procedural ruling debatable. The Court therefore **DENIES** Petitioner a certificate of appealability.

SO ORDERED, this 12th day of January 2015.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT